

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Vivian A. Schramm
Michael R. Schramm

Serial No.: 09/707,156

Filed: November 06, 2000

For: Spill-Proof Candy Container

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Group Art Unit: 1761

Examiner: Steven L.
Weinstein

RESPONSE TO COMMUNICATION MAILED ON MAY 8, 2007

Commissioner of Patents
Alexandria, VA 22313-1450

This correspondence is being
electronically transmitted to the
patent office via an EFS-Web
transmission on June 5, 2007.

Dear Sir:

Applicants hereby file this response to the communication mailed May 8, 2007.

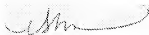
RESPONSE

In a correspondence from the office dated May 8, 2007, appellants were notified that per 37 CFR § 41.20(b)(1), appellant's previously transmitted notice of appeal fee of \$165 was insufficient, and that per 37 CFR § 41.20(b)(2), appellant's previously transmitted appeal brief fee of \$165 was insufficient. Appellants note that first, in each of the above instances, appellants expressly requested that if their previously submitted fees were considered insufficient, that additional fees as needed be charged to the same credit card that was used in originally paying appellant's fees, and second, that appellant's fees were paid in the appropriate amount when originally submitted. Appellants further respectfully note that appellant's application was withdrawn from appeal (on multiple occasions) and re-opened for examination through no fault of appellants, but rather by the choice of the examiner. Thus appellants respectfully suggest that inasmuch as appellants previously transmitted fees were both timely and in the appropriate amount, appellants owe no further fees in order to have appellant's appeal heard by the board of patent appeals and interferences. Nevertheless, in order to avoid undue

delay in processing appellant's appeal, appellants transmit herewith an additional fee payment of \$170 (2 x (\$250-\$165)). Appellants note that as EFS-Web is unable to accept a credit card fee transmission for other than select predetermined fee amounts, appellant's additional fee is being transmitted via a fax transmission to Ms Darlene Brown at 571-273-1559. Appellants again respectfully request that if the fees transmitted with this correspondence are for some reason found insufficient, that any remaining fee be charged to the credit card which is being used to pay the current additional fee. However, if it is found by the office that appellants previously transmitted fees were timely and in the appropriate amount, that appellant's current additional fees be refunded.

If there are questions or comments which may be resolved over the telephone, the office is requested to call Michael R. Schramm at 801-710-7793.

DATE: June 5, 2007 Respectfully submitted,



Vivian A. Schramm



Michael R. Schramm